

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON TUESDAY, JANUARY 16, 2024

PRESENT: MAYOR McEACHERN, COUNCILORS TABOR, COOK, DENTON, BLALOCK, BAGLEY (VIA ZOOM), MOREAU, LOMBARDI

ABSENT: ASSISTANT MAYOR KELLEY

1. Voted to leave the Non-Public Session and seal the minutes. Councilor Bagley was not on via zoom for vote.
2. Presentation – Portsmouth High School Football Team – Mayor McEachern and City Council recognized the Portsmouth High School Football Team for their undefeated season, which is the first time since 1976 to accomplish this feat. Mayor McEachern presented gifts to the four captains of the team for their accomplishment.
3. Presentation – Holiday Light Contest Winners – Mayor McEachern recognized the various contest winners and presented them with gifts for their winning categories.
4. Proclamation – Harold Whitehouse – Mayor McEachern read the Proclamation declaring January 16, 2024 as Harold Whitehouse Day and call upon the residents of Portsmouth to pause and remember his dedication and to model themselves as citizens on the best of what he taught us. Harold's granddaughters accepted the Proclamation with thanks and appreciation.
5. Proclamation – Stalking Awareness Month – Mayor McEachern read the Proclamation declaring January as Stalking Awareness Month and called on our citizens to come together to reaffirm their commitment to ending stalking and supporting survivors. Ryan Grogan, Witness Advocate, accepted the Proclamation with thanks and appreciation.
6. Acceptance of Minutes – November 9, 2023; November 13, 2023; November 20, 2023 and December 4, 2023 – **On a unanimous roll call 8-0, voted** to approve and accept the minutes of the November 9, 2023; November 13, 2023; November 20, 2023 and December 4, 2023 City Council meetings.
7. Safe Water Advisory Group (SWAG) – Mayor McEachern thanked the Safe Water Advisory Group for their report and said it would be placed on file.
8. Public Comment Session – There were 15 speakers: Joe Caldarola, Reagan Ruedig (HDC & Solar Panels); Roy Helsel (Questions on Development); Martin Ryan (HDC); Petra Huda, Esther Kennedy, Chris White (Process); Jim Hewitt as represented by Jeremy Eggleton (via Zoom) (Removal from Planning Board); Karen Rosania (Zoning Barriers/Artists); Erik Anderson (Board Public Hearing); Paige Trace (Portsmouth); Pat Bagley (via Zoom) and Peter Whelan (Acquisitions/Jim Hewitt); and Chris Dwyer (via Zoom) (Public Art Review Committee).

9. First reading of Ordinance amending Chapter 6, License, Article XVII – Outdoor Dining Encumbrance Permit, Section 6.1701 – 6.1707 – **On a unanimous roll call 8-0, voted** to pass first reading and schedule a public hearing and second reading at the February 5, 2024 City Council meeting to amend Chapter 6, Licenses, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701 – 6.1707.
10. Confirmation of City Council Goals – **On a unanimous roll call 8-0, voted** that the City Council plan a strategic retreat like we have done in past years.
11. Proposed Amendment Relative to Solar Panels – Moved to refer to the Planning Board for recommended amendments to Chapter 10, Article 6, Section 10.633.20 by adding a new a new numbered paragraph 28 “Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alterations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alternations to existing structures.”

On a unanimous roll call 8-0, voted to request the Planning Board have a Work Session with the Historic District Commission on this matter and come back with recommendations to the City Council.

On a unanimous roll call 8-0, voted to pass main motion as amended.
12. Adoption of Legislative Principles – **On a unanimous roll call 8-0, voted** to approve the City Council Principles for Legislative Positions and the Legislative Subcommittee’s Procedures for Submission of Testimony as presented.
13. Revocable License for Arcadis U.S., Inc., for Property Located at 124 Bartlett Street – **On a unanimous roll call 8-0, voted** to authorize the City Manager to negotiate, execute and deliver a Revocable License in a form similar as attached in Council packet, to allow Arcadis to install monitoring wells to benefit property located at 124 Bartlett Street.
14. City Council and Planning Board Joint Listening Session – Places to Live Study Circle Dialogue Report Out – **On a unanimous roll call 8-0, voted** to establish a Joint Listening Session with the Planning Board on Thursday, February 22, 2024 at 6:00 p.m. in City Council Chambers.
15. Consent Agenda – **On a unanimous roll call 8-0, voted** to adopt the Consent Agenda.

- A. Request from Chet Schrader, Rounders Brewing Company d/b/a Lithermans Brewing Company, to install a Projecting Sign at 103 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***

- **Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**

B. Letter from Maria Stephanou of Alzheimer's Association requesting to hold 2024 Annual Seacoast Walk to End Alzheimer's on Sunday, October 6, 2024

16. Community Policing Facility Update – Suzanne Woodland, Deputy City Manager; Peter Rice, Public Works Director; and Mark Newport, Police Chief – Police Chief Newport said the focus is to review expanding the current Police Station outward and to come back for a Work Session in April with an update. No action required.
17. Letter from Mike Comeau, Portsmouth Water Taxi, requesting permission to attach sign to the chain link fence next to the public docks ramp, also placement of a sandwich board sign on the dock – **On a unanimous roll call 8-0, voted** to refer this request to the City's Legal Department for a report back.
18. Letter from Marcia MacCormack regarding appeal to eliminate the Waterfront Business designation from Salter Street – **On a unanimous roll call 8-0, voted** to refer this request to the City's Legal Department for a report back.
19. Email Correspondence – **On a unanimous roll call 8-0, voted** to accept and place on file.
20. Request for Public Hearing Pursuant to RSA 673:13 for the Removal of Mr. James Hewitt from the Planning Board – **On a roll call 6-2, voted** to schedule a Public Hearing on February 12, 2024, of the City Council to determine if Mr. James Hewitt should be removed from the Planning Board pursuant to RSA 673:13. Councilors Tabor, Cook, Blalock, Moreau, Lombardi and Mayor McEachern voted in favor. Councilor Denton and Bagley voted opposed.
21. Ethics Committee Drawing by Lot – Councilor Denton's name was drawn by lot to serve on the Ethics Committee.
22. Approval of City Council Rules and Orders – Moved to approve the City Council Rules and Orders. **On a unanimous roll call 8-0, voted** to amend Rule 30 as outlined in Deputy City Manager Woodland's memorandum as follows:

Rule 30 – Ordinance Procedure

Each Ordinance shall pass through the following stages: There shall be a first reading at which amendments may be made. If the ordinance passes first reading, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and second reading. Amendments may also be made at second reading. If amendments materially change the ordinance under consideration, a new public hearing and second reading shall be scheduled. If the ordinance passes second reading, there shall be a third and final reading. Passage of third reading shall constitute final passage. An ordinance may be rejected at any stage in its process.

On a unanimous roll call 8-0, voted to pass main motion as amended.

23. Ratification of City Council Policies – **On a unanimous roll call 8-0, voted** to ratify the City Council Policies as presented.
24. Ratification of Blue Ribbon Committees – **On a unanimous roll call 8-0, voted** to ratify the Blue Ribbon Committees as outlined.
 - African Burying Ground Memorial Park Blue Ribbon Committee
 - Citywide Neighborhood Committee
 - Governance Committee
 - Housing Committee
 - Portsmouth Energy Advisory Committee
 - Safe Water Advisory Group
 - Sister Cities Committee
 - Task Force on Portsmouth Historical Archives
25. Reappointments to the Rockingham County Planning Commission – **On a roll call 7-0, voted** to reappoint Beth Moreau, City Council Representative and Peter Britz, Planning and Sustainability Director to the Rockingham County Planning Commission. Peter Britz will serve as an Alternate member of the Commission. Councilor Moreau recused from voting.
 - Beth Moreau, City Council Representative
 - Peter Britz, Planning and Sustainability Director (Alternate member)
26. Appointments to be Considered – The City Council considered the appointments outlined below and action will be taken at the February 5, 2024 City Council meeting.
 - Donald Brabant as a regular member of the Audit Committee
 - Jeff Abrams as a regular member of the Cable and Broadband Internet Commission
 - Gary Lowe as a regular member of the Cable and Broadband Internet Commission
 - Talia Sperduto as an alternate member of the Conservation Commission
 - Jody Record reappointment as an alternate member of the Zoning Board of Adjustment
27. Housing and Sherburne School Next Steps – No action required. Appointments for the Housing Committee will be brought forward at the February 5, 2024 City Council meeting with the mission and goals of the committee.
28. Report Back on Potential Sister City or Friendship City with the City of Nelson, New Zealand – **On a unanimous roll call 8-0, voted** to refer to Sister Cities Blue Ribbon Committee a potential Sister or Friendship City with the City of Nelson, New Zealand for report back to the City Council.
29. At 9:27 p.m., Councilor Bagley did not participate via zoom and his items will be brought forward at the next City Council meeting for action.
30. Meeting Notices Via SMS/Email – **Voted** to request a report back from the City Manager on the possibility of an SMS or email triggered notice system, based on sign-up by keyword, to alert residents of topics of interest on any public meeting agenda to drive increased resident participation and attendance at city meetings.

31. Gateway Rezoning – **Voted** to request that an ordinance amendment be drafted to change the zoning of the “consensus properties” as described in the memorandum and that the drafted ordinance amendment be sent to the Planning Board for its consideration and recommendation in February with the intention to bring back an ordinance amendment for first reading at the City Council meeting in March.
32. Home Occupation Definition and Regulations – Zoning Ordinance – **Voted** to request a report back from the City Manager on how we might continue to advance the discussion during this next City Council session recognizing and balancing the City Council priorities such as housing, other ordinance amendments that are already further along in the development process, and staff workload.
33. Acceptance of Donation to Department of Public Works from Mark Falzone, Scenic America - \$1,500.00 for the Planting of a Memorial Tree in Recognition of Dr. Geoffrey Clark – **Voted** to accept and approve the donation to the Public Works Department in the amount of \$1,500.00 for the planting of a Memorial Tree in the right of way of 152 Middle Street in Recognition of Dr. Geoffrey Clark.
34. Acceptance of Grant for the Senior Center – \$10,000.00 – **Voted** to approve and accept the grant as presented.
35. Grant for the Police Department – \$12,499.00 – **Voted** to approve and accept the grant as presented.
36. Grant for the Police Department – \$14,403.29 – **Voted** to approve and accept the grant as presented.
37. Donation for the Police Department – \$7,000.00 – **Voted** to approve and accept the donation as presented.
38. Donation for the Police Department - \$2,500.00 – **Voted** to approve and accept the donation as presented.
39. Acceptance of Violence Against Women Act (VAWA) Grant – **Voted** to approve and accept the grant as presented.
40. Report regarding recent Storm – Public Works Director Rice spoke to the recent storm that resulted in the flooding of areas and reported that the Shaw Building at Prescott Park had 26 inches of water as a result of the storm, and they lost two of their boilers that are being replaced.
41. Report Back on Jones Avenue Scrapyard – Deputy City Attorney McCourt advised the City Council that a more detailed update would be provided at the February 5, 2024 City Council meeting.
42. Pease Development Authority Update – City Manager Conard provided a brief update regarding the Pease Development Authority recent meeting. She reported that the PDA would not be meeting in February.

43. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting – Councilor Cook announced that the Public Art Review Committee will be conducting public input sessions regarding the percent for public art for Peirce Island on January 25th and February 15th at 6:30 p.m. at the Library and a Zoom opportunity would be held on February 12th.

44. Adjournment – At 10:10 p.m., voted to adjourn the meeting.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk